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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,995	08/07/2007	Venkata-Rangarao Kanikanti	AH/Le A 36 780	4575

71285 7590 08/19/2011
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EXAMINER	
BORI, IBRAHIM D	

ART UNIT	PAPER NUMBER
1629	

NOTIFICATION DATE	DELIVERY MODE
08/19/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)
	10/559,995	KANIKANTI ET AL.
	Examiner	Art Unit
	IBRAHIM D. BORI	1629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)	
1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/03/2011*.	6) ☐ Other: _____.

DETAILED ACTION

Reassignment of Application

Please note that this application has been reassigned to Examiner Ibrahim Bori, in Art Unit 1629. In order to expedite accurate processing of the application papers, all future correspondence with the office should reflect this change.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on December 08, 2005, August 07, 2007, May 15, 2009, and February 03, 2011 have been considered by the Examiner. The submission is in compliance with the provisions of 37 CFR § 1.97. Enclosed with this Office Action is a return-copy of the Form PTO-1449 with the Examiner's initials and signature indicating those references that have been considered.

Status of the Application and Claims

This application is a national stage entry of PCT/EP04/06370, filed on June 14, 2004.

Acknowledgement is made of the Applicants' Amendment and Response filed on February 03, 2011, which have been fully considered and entered.

The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the Instant Application.

Claims 1 and 3 are pending in the instant application, and are subject of the Office Action below.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 03, 2011, has been entered.

Objection to the Specification – Withdrawn

The objection to the specification is withdrawn for the reasons presented by the applicants, and in view of the applicants amendment to the specification filed on February 03, 2011.

Claim Rejections - 35 USC § 103-maintained

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The rejection of claims 1 and 3 under 35 U.S.C. 103(a) as being unpatentable over US 6, 004,582 to Faour et al. (hereinafter "Faour", cited by the Examiner in Office Action of August 3, 2010) in view of US Pub. No. 2003/0175326 to Thombre (hereinafter "Thombre", cited by the Examiner in Office Action of August 3, 2010), *Remington's Pharmaceutical Sciences*, **1990**, 89, 1633-1665 to Gennaro (hereinafter "Gennaro, cited by the Examiner in Office Action of August 3, 2010), and *Federal Registry*, **1997**, 62(139), 38906-38907 (hereinafter "FR1997", cited by the Examiner in Office Action of

August 3, 2010) as modified by *Federal Registry*, **1999**, 64(171), 48295 (hereinafter "FR1999", cited by the Examiner in Office Action of August 3, 2010), is maintained for the reason of record.

The instant invention is directed toward a method for increasing the palatability of a therapeutic agent, enrofloxacin to companion animals, comprising addition of palatability enhancing agents.

Specifically, claim 1 recites: *An uncoated tablet comprising:*

from 20 to 45% by weight enrofloxacin;

from 18 to 355 by weight of lactose;

from 5 to 10% by weight microcrystalline cellulose; and,

from 5 to 20% by weight of meat flavor.

Faour teaches a formulation comprising a therapeutic agent in a tablet. Faour teaches antibacterial agents exemplified by enrofloxacin as equivalent therapeutic compounds for the formulation. (see column 4, lines 63-66; column 5, line 65 to column 6, line10; column 13, line 53 to column 14, line 14). Included in the formulation taught by Faour are microcrystalline cellulose and lactose (see column 7, lines 38-49; column 9:38-52; column 10, lines 58-67; and column 11, lines 34-46). Faour further teaches compression of granular formulation prior to coating (uncoated tablet). See a working example comprising a therapeutic agent, lactose, polyvinyl pyrrolidone (povidone or polyvidone), colloidal silicone dioxide, magnesium stearate, maize starch and

microcrystalline cellulose prior to coating (see columns 18-19, examples 2). The teachings of Faour address: (i) the enrofloxacin, lactose, microcrystalline cellulose requirements of claims 1 and 3; (ii) the maize starch, polyvinyl pyrrolidone, colloidal silicone dioxide and magnesium stearate requirements of claim 3. Faour teaches that the active agent can be present at 0.1 to 99.9% by weight, microcrystalline cellulose can be present at about 9 to about 45%, lactose can be present at about 42% (column 9, lines 28-37; column 15, line 60 to column 19, line 41; and column 20, lines 7-24), maize starch, povidone can be present at about 10%, colloidal silicon dioxide can be present at about 0.3%, and magnesium stearate can be present at about 1% (see column 9, lines 28-37; and columns 18-20, example 2). Faour also teaches addition of a flavorant to the formulation, which according to the teaching of Faour, "*is a compound used to impart a pleasant flavor and often odor to a pharmaceutical preparation*" (see column 11, lines 58-59).

However, Faour does not explicitly teach meat flavor as a flavorant.

Thombre teaches the incorporation of beef flavor (palatability improving agent) into tablets to increase palatability of tablets to companion animals. The tablets taught by Thombre can be uncoated. According to the teaching of Thombre, incorporation of beef flavor shows increase in voluntary acceptance (free choice) by dogs of placebo tablets having a palatability improving agent therein (flavored) to tablets having no such agent (unflavored) or having bitter taste. The tablet taught by Thombre is present at 5 to 95% of the formulation and 1 to 30% of palatability improving agent. See ¶ 002, ¶ 0013, ¶ 0016 to ¶ 0018, ¶ 0108 to ¶ 0110, ¶ 0173, ¶ 0179 and column 9, Table 1.

Gennaro teaches tablet formulation comprising about 10 to 50% lactose and about 5 to 15% microcrystalline cellulose. See pages 1635, 1645-1646 and 1654-1656.

FR1997 teaches administration of enrofloxacin tablets to animals. See pages 38906-38907. FR1999 teaches administration of enrofloxacin to animals. See page 48295.

Therefore, one of ordinary skill in the art would have had a reasonable expectation of success in arriving at the invention as claimed because each of Faour, Thombre, Gennaro, FR1997 and FR19999 are directed toward a method for increasing palatability of enrofloxacin tablets to companion animals. Motivated by the need to improve the therapeutic efficacy of enrofloxacin, a skilled artisan at the time of invention would have modified the teachings of Faour as taught by Thombre, Gennaro, FR1997 and FR19999 to structure a pharmaceutical composition that would boost the palatability of enrofloxacin to companion animals. Additionally motivated by the need to improve patient compliance to enrofloxacin therapy, one of ordinary skill in the art would have modified the teachings of Faour as taught by Thombre, Gennaro, FR1997 and FR19999 to arrive at the claimed invention.

MPEP §2144.06 states "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." In re Kerkhoven, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980) (citations

omitted) (Claims to a process of preparing a spray-dried detergent by mixing together two conventional spray-dried detergents were held to be prima facie obvious.). See also In re Crockett, 279 F.2d 274, 126 USPQ 186 (CCPA 1960) (Claims directed to a method and material for treating cast iron using a mixture comprising calcium carbide and magnesium oxide were held unpatentable over prior art disclosures that the aforementioned components individually promote the formation of a nodular structure in cast iron.); and Ex parte Quadranti, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992) (mixture of two known herbicides held prima facie obvious)".

Therefore, since each of the references teaches elements of claims 1 and 3, combining them flows logically from their having been taught in prior art. Thus the claims fail to patentably distinguish over the state of the art as represented by the cited references. Therefore, the invention as a whole was *prima facie* obvious at the time it was made.

Response to the Applicants Arguments

Applicants' arguments filed on February 03, 2011, directed to the above 103(a) rejection have been fully considered but they are not deemed to be persuasive.

Applicants traverse the rejection and allege that: (i) one of ordinary skill in the art would not look to the teachings of Faour to develop an uncoated tablet that masks bitter taste; (ii) Thombre does not teach uncoated tablet and a tablet that is bitter. (iii) the

combination of Faour, Thombre, Gennaro, FR1997 and FR19999 would teach a **coated** tablet resulting in a tablet different from the claimed invention (**uncoated tablet**).

The Examiner respectfully disagrees. Although the invention of Faour is directed toward coated tablets, Faour teaches compression of granular formulation prior to coating (uncoated tablet) that comprises the claim elements of claim 1 and 3. See column 8, lines 61-67 and column 9, lines 1-7. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention that the compressed granular formulation taught by Faour is appropriate for uncoated tablets. Thombre teaches uncoated tablets which differ in their dissolution properties (see ¶ 0016 to ¶ 0018, figures 2 and 4). Since the Applicants have not claimed a difference in the dissolution parameter, the disclosed uncoated tablets render the instant claims obvious. Thombre further teaches that incorporation of beef flavor shows increase in voluntary acceptance (free choice) by dogs of placebo tablets having a palatability improving agent therein (flavored) to tablets having no such agent (unflavored) or having bitter taste (see ¶ 0108). Applicants fail to advance any specific reasons or evidence, aside from the Applicants own allegation, in support of the Applicants position that the combination of the references would result in a different invention. This assertion by the Applicants is an unsupported allegation and fails to take the place of evidence in the record. Statements of this nature are clearly unpersuasive in accordance with the guidance provided at MPEP 2145, which states "The arguments of counsel cannot take the place of evidence in the record." Further, as discussed above, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to provide a

tablet comprising enrofloxacin, lactose, microcrystalline cellulose, maize starch, povidone, colloidal silicon dioxide, magnesium stearate, and flavoring agent as taught by the Faour and provide artificial beef flavor as the flavoring agent as taught by Thombre and optimize the ingredients as taught by Thombre and Gennaro, because Thombre teaches that palatability improving agents such as artificial beef flavor increase the voluntary acceptance by canines, FR1997 as modified by FR1999 teaches enrofloxacin tablet for administration to dogs for management of diseases associated with bacteria susceptible to enrofloxacin, and Gennaro teaches the excipients affect the stability of the formulation and are optimizable.

Claim Rejections - 35 USC § 103-maintained

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The rejection of claims 1 and 3 under 35 U.S.C. 103(a) as being unpatentable over US 5,980,914 to Gerolymatos (hereinafter "Gerolymatos", cited by the Examiner in Office Action of August 3, 2010) in view of US 6, 004,582 to Faour et al. (hereinafter "Faour", cited by the Examiner in Office Action of August 3, 2010), US Pub. No. 2003/0175326 to Thombre (hereinafter "Thombre", cited by the Examiner in Office Action of August 3, 2010), *Remington's Pharmaceutical Sciences*, **1990**, 89, 1633-1665 to Gennaro (hereinafter "Gennaro, cited by the Examiner in Office Action of August 3, 2010), and *Federal Registry*, **1997**, 62(139), 38906-38907 (hereinafter "FR1997", cited by the Examiner in Office Action of August 3, 2010) as modified by *Federal Registry*, **1999**, 64(171), 48295 (hereinafter "FR1999", cited by the Examiner in Office Action of August 3, 2010), is maintained for the reason of record.

Gerolymatos teaches an uncoated tablet formulation comprising an antimicrobial therapeutic, lactose, microcrystalline cellulose, maize starch, povidone, colloidal silicon dioxide, magnesium stearate and a sweetening or flavoring agent (see column 7, lines 20-43; column 8, lines 1-3). Though instant claim 3 provides "consisting of" language, the excipients recited are considered functional equivalents as note where the Gerolymatos recites functions for the given excipients.

Although Gerolymatos does not explicitly teach a meat flavoring or the percentages of each compound, this deficiency is cured by the teachings of the Faour, Thombre, Gennaro and FR 1997 as modified by FR 1999. Also, the specific concentration ranges of tablet formulation recited in claims 1 and 3 are clearly a result of an effective parameter that a person of ordinary skill in the art would routinely optimize. Optimization of parameters is a routine practice that would be obvious for a person of ordinary skill in the art to employ. It would have been customary for an artisan of ordinary skill to determine the optimal amount of each ingredient needed to achieve the desired results. Thus, absent some demonstration of unexpected results from the claimed parameters, the optimization of the concentration would have been obvious at the time of applicant's invention in view of the teachings of Artursson *et al.* It is well-established that merely selecting proportions and ranges is not patentable absent a showing of criticality. *In re Becket*, 33 USPQ 33; *In re Russell*, 169 USPQ 426. "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955); see also Peterson, 315 F.3d at 1330, 65 USPQ2d at 1382 ("The normal desire of scientists or artisans to improve upon what is already generally known provides the motivation to determine where in a disclosed set of percentage ranges is the optimum combination of percentages.")

Faour teaches a granulation composition for tableting (columns 5-7 and 9-11) comprising 0.1 to 99 percent an active agent, about 40 percent lactose, about 40 percent microcrystalline cellulose, about 10 percent maize starch, povidone, about 0.3

percent colloidal silicon dioxide, and about 1 percent magnesium stearate (see column 9, lines 28-37; and columns 18-20, examples 2-3). Faour notes that a number of agents, such as antibacterial agents, are functional equivalents for formulation and recite enrofloxacin as one of the antimicrobial substances (see column 13, line 53 to column 14, line 14).

Thombre teaches the incorporation of beef flavor (palatability improving agent) into tablets to increase palatability of tablets to companion animals. The tablets taught by Thombre can be uncoated. According to the teaching of Thombre, incorporation of beef flavor shows increase in voluntary acceptance (free choice) by dogs of placebo tablets having a palatability improving agent therein (flavored) to tablets having no such agent (unflavored) or having bitter taste. The tablet taught by Thombre is present at 5 to 95% of the formulation and 1 to 30% of palatability improving agent. See ¶ 002, ¶ 0013, ¶ 0016 to ¶ 0018, ¶ 0108 to ¶ 0110, ¶ 0173, ¶ 0179 and column 9, Table 1.

Gennaro teaches tablet formulation comprising about 10 to 50% lactose and about 5 to 15% microcrystalline cellulose. See pages 1635, 1645-1646 and 1654-1656.

FR1997 teaches administration of enrofloxacin tablets to animals. See pages 38906-38907. FR1999 teaches administration of enrofloxacin to animals. See page 48295.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to provide an uncoated tablet comprising excipients as taught by the Gerolymatos with the active ingredient enrofloxacin and excipients at

concentration as suggested by the tablet before coating in the teachings of Faour and Thombre in light of Gennaro and provide a meat flavor as taught by the Thombre. One of ordinary skill in the art would have been motivated to do this because Gerolymatos teaches appropriate pharmaceutical carriers for tableting antibiotics (section 5.2), Faour teaches an appropriate tableting composition for controlling the release of the active ingredient (abstract; column 1, lines 4-10; and column 6, lines 13-15), Thombre teaches that palatability improving agents such as artificial beef flavor increase the voluntary acceptance by canines ('326, page 9, paragraphs 108-110, and table 1), FR 1997 as modified by FR 1999 teaches enrofloxacin tablet for administration to dogs for management of diseases associated with bacteria susceptible to enrofloxacin (FR 1997, column 2, 580.812 item (2)), and Gennaro teaches diluents such as lactose and microcrystalline cellulose affect the stability of the formulation (page 1635, column 1, ¶ 2-4 and column 2, ¶ 3) and as such are considered result-effective variables which may be optimized per MPEP § 2144.05.II. In light of the forgoing discussion, it would be obvious to one of ordinary skill in the art that the subject matter defined by the instant claims would have been obvious within the meaning of 35 USC 103(a). From the teachings of the references, it is apparent that one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, as evidenced by the references, especially in the absence of evidence to the contrary.

Response to the Applicants Arguments

Applicants' arguments filed on February 03, 2011, directed to the above 103(a) rejection have been fully considered but they are not deemed to be persuasive.

Applicants traverse the rejection and allege that the addition of Gerolymatos does not render the claimed invention obvious to one of ordinary skill in the art at the time of the invention.

The Examiner respectfully disagrees. Applicants fail to advance any specific reasons or evidence, aside from the Applicants own allegation, in support of the Applicants position that the combination of the references would not result in the instant invention. This assertion by the Applicants is an unsupported allegation and fails to take the place of evidence in the record. Statements of this nature are clearly unpersuasive in accordance with the guidance provided at MPEP 2145, which states "The arguments of counsel cannot take the place of evidence in the record." Furthermore, as discussed above, it would have been obvious to one of ordinary skill in the art at the time of the invention, to arrive at the invention as claimed because Gerolymatos teaches appropriate pharmaceutical carriers for tableting antibiotics (section 5.2), Faour teaches an appropriate tableting composition for controlling the release of the active ingredient (abstract; column 1, lines 4-10; and column 6, lines 13-15), Thombre teaches that palatability improving agents such as artificial beef flavor increase the voluntary acceptance by canines ('326, page 9, paragraphs 108-110, and table 1), FR 1997 as modified by FR 1999 teaches enrofloxacin tablet for administration to dogs for management of diseases associated with bacteria susceptible to enrofloxacin (FR 1997,

column 2, 580.812 item (2)), and Gennaro teaches diluents such as lactose and microcrystalline cellulose affect the stability of the formulation (page 1635, column 1, ¶ 2-4 and column 2, ¶ 3) and as such are considered result-effective variables which may be optimized per MPEP § 2144.05.II. In light of the forgoing discussion, it would be obvious to one of ordinary skill in the art that the subject matter defined by the instant claims would have been obvious within the meaning of 35 USC 103(a). From the teachings of the references, it is apparent that one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, as evidenced by the references, especially in the absence of evidence to the contrary.

Correction of Inventorship

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Conclusions

No claim is allowable.

This is a RCE. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IBRAHIM D. BORI whose telephone number is (571)270-7020. The examiner can normally be reached on Monday through Friday 8:00AM-5:00PM(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY S. LUNDGREN can be reached on 571-272-5541. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IBRAHIM D BORI/
Examiner, Art Unit 1629

/Jeffrey S. Lundgren/
Supervisory Patent Examiner, Art Unit 1629